



1655

Docket No. 20239-706

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: June 6, 2001

Name of Person Certifying: _____

Printed Name: Carol M. Gruppi

Carol M. Gruppi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus PFEFFER, et al

Assignee: Bavarian Nordic

Filing Date: January 26, 2000

Examiner: J. Einsmann

Serial No.: 09/403,690

Group Art Unit: 1655

Title: TAQMAN TM-PCR FOR THE DETECTION OF PATHOGENIC E. COLI STRAINS

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 19 2001

RESPONSE & FEE TRANSMITTAL

TECH CENTER 1600/2900

Sir:

In response to the Office Action mailed on December 6, 2000, enclosed herewith for filing are the following:

- ☒ A Response/Amendment [] page(s)
- ☐ A Response to Restriction Requirement under 35 USC § 121 [] page(s)
- ☐ An Amendment Under 37 CFR § 1.111 [] page(s)
- ☐ An Amendment Under 37 CFR § 1.116 [] page(s)
- ☐ Other _____ [] page(s)

Also included are:

- ☒ A Petition for Extension of Time [3] months [] page(s)
- ☒ Information Disclosure Statement
[1] page(s) of PTO-1449 [3] copies of IDS citations
- ☐ Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- ☐ Other: _____
- ☒ Return Postcard



Fee Calculation						CALCULATIONS
<input checked="" type="checkbox"/> The following fees are submitted:						
EXTRA CLAIMS FEE				OTHER THAN SMALL ENTITY	SMALL ENTITY	
CLAIMS	CURRENT #	# OF CLAIMS PREVIOUSLY PAID	# EXTRA	RATE	RATE	
Total Claims	20	20	0	× \$18.00	× \$9.00	\$
Independent claims	4	4	0	× \$80.00	× \$40.00	\$
MULTIPLE DEPENDENT CLAIM(S) <input type="checkbox"/> Yes <input type="checkbox"/> No				\$270.00	\$135.00	\$
Petition for Extension of Time Fee (3 months)						\$890.00
OTHER FEES : IDS _____ (specify)						\$180.00
TOTAL FEES =						\$1070.00

- ☒ **Conditional Petition for Extension of Time:** An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.
- ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- ☒ Please charge Deposit Account No. 50-1189, Docket No. 20239-706, in the amount of \$1070.00 to cover the above-fees. *A duplicate copy of this sheet is enclosed.*
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189, Docket No. 20239-706. *A duplicate copy of this sheet is enclosed.*

DATE: June 6, 2001

Respectfully submitted,

By:

Carol M. Gruppi

Registration No.: 37,341

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (415) 393-2000
Telefax: (415) 393-2286

RECEIVED

JUN 19 2001

TECH CENTER 1600/2900



Docket No.: 20239-706

Cliff
1/16/01
4/20/01

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
MAILING	FACSIMILE
<input checked="" type="checkbox"/> deposited with the United States Postal Service as First Class Mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.	<input type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office.
Date: <u>June 6, 2000</u>	Name of Person Certifying: <u>Carol M. Grupp</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus Pfeffer

Assignee: Bavarian Nordic Research Institute A/S

Serial No.: 09/403,690

Examiner: J. Einsmann

Filing Date: March 23, 1999

Group Art Unit: 1655

Title: TAQMAN™ PCR FOR DETECTION OF PATHOGENIC E.COLI STRAINS

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

This is in response to the Office Action dated December 6, 2000. This response is accompanied by a petition for an extension of time to extend the period to respond to the Office Action to June 6, 2001, and the appropriate fee under 37 C.F.R. § 1.16 and § 1.17. Accordingly this response is timely filed. Please amend the application as follows:

IN THE SPECIFICATION:

Please delete the paragraph on page 5, lines 7-13, and substitute the following paragraph:

G
-- TAQMAN™-PCR is performed in optical tubes that allow measurements of fluorescence signals without opening the PCR tubes. This dramatically minimizes post-PCR processing time and almost completely eliminates cross-PCR contamination problems.